United Nations A/HRC/37/NGO/175

General Assembly

Distr.: General
26 February 2018

English only

Human Rights Council
Thirty-seventh session
26 February-23 March 2018
Agenda item 10
Technical assistance and capacity-building

Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.18-02798(E)
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CAMBODIA: ONGOING CRACKDOWNS ON THE POLITICAL OPPOSITION, CIVIL SOCIETY AND INDEPENDENT MEDIA MUST BE ADDRESSED BY THE UN HUMAN RIGHTS

Overview

In September 2017, the UN Special Rapporteur on the Situation of Human Rights in Cambodia warned that Cambodia "seems to be moving inexorably towards a precipice."1 Since the Special Rapporteur sounded the alarm, the situation has further worsened. The Government has deepened its crackdown on the political opposition, independent media, civil society, human rights defenders and activists.

The 37th session provides one last opportunity for the Council to address this deteriorating human rights situation before the Cambodian general elections, scheduled for 29 July 2018. Amnesty International therefore calls on the Council to hold an Urgent Debate on Cambodia to address the further deterioration of the situation since the last resolution was adopted in September 2017, to mandate further reporting and discussion on the situation ahead of the elections in July 2018 (ahead of, or during, the 38th session of the Council), and to call on the Government of Cambodia to change course towards full compliance with its obligation to protect and respect human rights.

SUPPRESSION OF POLITICAL OPPONENTS

Since mid-2015, Cambodia's main opposition party, the Cambodia National Rescue Party ("CNRP"), has been under relentless suppression by the Government, the judiciary and Cambodia's ruling party, the Cambodian People's Party ("CPP").

In July and August 2015, 14 CNRP officials and supporters were convicted for leading and/or participating in an "insurrection" related to a demonstration in July 2014.2 In October 2015, two CNRP lawmakers were brutally beaten by members of Hun Sen's bodyguard unit on the steps of the National Assembly building.3

In 2017, the crackdown on the CNRP intensified in the context of the June 2017 Commune elections, and the lead up to the July 2018 general elections. Prime Minister Hun Sen pressured Cambodia's CPP-dominated legislature into the rushed adoption of a series of controversial laws. The adoption of two rounds of amendments to the Law on Political Parties in February and July 2017,4 for example, provided the Executive with unfettered powers to dissolve political parties. These amendments were passed without adequate transparency, or public or parliamentary debate.5

The Government and the CPP have used the criminal justice system to target the main opposition party.6 Kem Sokha, the president of the CNRP, was arrested, despite his parliamentary immunity, at his house in Tuol Kork in Phnom Penh

1http://cambodia.ohchr.org/sites/default/files/Rhona%20Smith%20Statement%20HRC36%2027%20September%202017%20-%20FINAL.pdf.

2 https://www.amnesty.org/en/documents/asa23/2173/2015/en/

3 http://www.phnompenhpost.com/national/lawmakers-beaten-national-assembly.

4http://cambodia.ohchr.org/sites/default/files/Analysis%20on%20the%20Amended%20Law%20on%20Political%20Parties%2028%2003%202017%20FINAL%20no%20TC.pdf; http://cchrcambodia.org/admin/media/analysis/analysis/english/2017-07-19-CSO-ssubmit-Legal-Analysis-of-Proposed-Amendment-to-LPP-to-CC_ENG.pdf.

5 https://www.voacambodia.com/a/hundreds-of-cambodian-commune-chiefs-face-expultion-months-into-job/4075663.html

6 https://www.amnesty.org/en/documents/asa23/6059/2017/en/.

during a night raid on 3 September 2017 on the basis of charges of "conspiracy with a foreign power" (Article 443 of the Cambodian Criminal Code), for which the sentence is up to 30 years' imprisonment.7 While judicial investigations are still on-going, he has been denied bail, including on appeal, and continues to be held in pre-trial detention at Correctional Centre 3, despite his severely deteriorating health.8

The Supreme Court, composed of judges sitting on the CPP's highest central committees and with personal ties to the Prime Minister, ruled to dissolve the CNRP on 16 November 2017 on allegations of having conspired to carry out a so-called "colour revolution," constituting a serious violation of the CNRP members' rights to freedom of expression and association.9 At the same time, the Court ruled to ban 118 senior CNRP officials from political activity for five years for allegedly conspiring to overthrow the Government.10 These measures have contributed to more than half of the opposition's key figures fleeing the country due to fear of arbitrary arrest, harassment, threats and reprisals.11

These actions, and other less conspicuous ones, suggest an orchestrated attack is being carried out by the Government and ruling party on the main opposition party in the lead up to this year's election. The judiciary, law enforcement and the parliament appear to being used as instruments.

ATTACKS ON CIVIL SOCIETY AND THE MEDIA

Amnesty International is also deeply concerned about the wider attack by the Cambodian authorities on peaceful, independent voices in the country, in particular the targeting of civil society, independent media and those critical of the Government.

Civil society

The Cambodian authorities have arbitrarily and sweepingly restricted the rights of civil society groups and individuals to freedom of expression, peaceful assembly and association. 2017 saw the first enforcement of the controversial and vaguely worded Law on Associations and Non-Government Organisations (most commonly known as the "LANGO"), a law that was adopted in August 2015, without meaningful consultations with affected groups or the wider public. The LANGO imposes a number of sweeping restrictions on, and oversight of, non-governmental organisations ("NGOs") in Cambodia. Notably, it has introduced a mandatory registration scheme for NGOs and given Cambodian authorities unchecked authority to deny registration requests.12 It includes vaguely worded grounds for denial of registration, temporary suspension and dissolution of NGOs.13

In late September 2017, local land rights organisation Equitable Cambodia ("EC") was ordered by the Ministry of Interior to suspend its activities for 30 days for alleged violations of Articles 10 and 25 of the LANGO and its bylaws. Although the suspension period had lapsed in mid-November, EC has so far not been given permission to resume its activities.14 In November 2017, Prime Minister Hun Sen had threatened to close prominent human rights NGO, the

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7 https://www.amnesty.org/en/documents/asa23/7623/2017/en/ ; https://www.amnesty.org/en/documents/asa23/7825/2018/en/.

8 http://www.khmertimeskh.com/50107376/kem-sokhas-team-demands-bail/ ; http://www.scmp.com/news/asia/southeast-asia/article/2131622/jailed-cambodian-opposition-leader-kem-sokhas-bail-denied.

9 https://www.amnesty.org/en/latest/news/2017/11/cambodia-banning-of-opposition-party-a-blatant-act-of-political-repression/.

10 http://www.phnompenhpost.com/national-politics/national-police-ordered-analyse-banned-opposition-members-finances.

11http://www.phnompenhpost.com/national-post-depth-politics/analysis-if-cnrp-dissolved-cpps-efforts-rid-itself-challenger-will-be.

12 Article 8(4), 11 of the LANGO.

13. Article 24, 30 and 31 of the LANGO; see also http://cchrcambodia.org/admin/media/report/report/english/2017-08-10-CCHR-FFMP-Annual-Report-Eng.pdf.

14 http://www.phnompenhpost.com/national-politics/eu-calls-suspension-land-rights-ngo-be-lifted.

Cambodian Centre for Human Rights ("CCHR"), but a week later declared he would allow CCHR to remain open after the Ministry of Interior had conducted an investigation.15

A number of activists have been detained on the basis of the peaceful exercise of their rights to freedom of expression and assembly. For example, prominent land activist Tep Vanny,16 from the Boeung Kak Lake Community, was arrested on 15 August 2016 and convicted of "incitement" under Article 495 of Cambodian Criminal Code, following her participation in a peaceful "Black Monday" protest that called for the release of five detained human rights defenders. She was held in pre-trial detention and charged with a series of reactivated dormant charges stemming from her participation in two peaceful protests, in 2011 and 2013. She has since been convicted and sentenced to prison in both cases, and is currently serving her 30 months prison sentence, while a six months prison sentence is pending enforcement by the Prosecutor.17

Media

In August 2017, the Government ordered the closing down of 32 radio stations, which broadcast programmes from US-based Radio Free Asia and Voice of America, as well as Cambodian radio programme Voice of Democracy, which were widely listened to by Cambodia's population. For parts of Cambodia's rural population where Internet access is not yet available, these radio broadcasts were an essential source of independent news. In September, popular broadcaster Radio Free Asia decided to permanently end its in-country operations in Cambodia, citing government repression as the main reason.18 In November, two of its former journalists, Yeang Sothearin and Uon Chhin, were arbitrarily detained and charged with "espionage" under Article 445 of the Cambodian Criminal Code. If convicted, they face up to 15 years in prison.19

On 4 September 2017, the country's longest-running English-language newspaper, *The Cambodia Daily*, was forced to shut down, after it had failed to meet a deadline to pay an allegedly unpaid USD 6.3 million tax bill the Government arbitrarily imposed on the newspaper in August.20.

RECOMMENDATIONS

In light of the above concerns, Amnesty International calls on the Council to:

- Hold an Urgent Debate to address the deteriorating human rights situation in Cambodia, and to identify concrete actions that must be taken to end human rights violations, redress past ones and prevent a further repression.
- Mandate additional reporting and discussion of the situation for the 38th session of the Council in June, ahead of the Cambodian general elections in July 2018.

During an Urgent Debate and/or the Item 10 General Debate, we call on all states to urge the Cambodian authorities (in individual statements or a joint statement) to ensure the full respect for and protection of human rights in the country, in particular the rights to freedom of expression, peaceful assembly and association, in accordance with international law, including by:

- Stopping all repression of peaceful activism by human rights defenders, activists or the political opposition;

15. https://www.amnesty.org/en/documents/asa23/7517/2017/en/.

16. https://www.amnesty.org/en/documents/asa23/6937/2017/en/.

17 https://www.amnesty.org/en/latest/news/2017/12/supreme-court-verdict-against-tep-vanny-and-other-activists-exposes-cambodias-courts-of-injustice/.

18 http://www.phnompenhpost.com/national/rfa-shuts-down-cambodia-operations-amid-media-crackdown.

19 https://www.amnesty.org/en/documents/asa23/7563/2017/en/.

20 https://www.amnesty.org/en/latest/news/2017/09/cambodia-closure-of-newspaper-points-to-escalating-crackdown/.

- Immediately and unconditionally releasing all prisoners of conscience, including human rights defenders, activists and members or supporters of the opposition detained or imprisoned solely for their peaceful exercise of their rights to freedom of expression, assembly and association;
- Amending or repealing the Law on Political Parties and the Law on Associations and Non-Governmental Organisations (LANGO), in accordance with Cambodia's international human rights obligations, in an open, public and transparent manner, and in consultation with affected individuals and groups and the public at large.